

AGENDA
STATE TRANSPORTATION BOARD MEETING
9:00 a.m., Friday, December 21, 2007
Town of Oro Valley Council Chambers
11000 North La Canada Drive
Oro Valley, AZ 85737

The Board may vote to go into Executive Session, which will not be open to the public, to discuss certain matters.

EXECUTIVE SESSION OF THE STATE TRANSPORTATION BOARD

Pursuant to A.R.S. 38-431.02, notice is hereby given to the members of the Arizona State Transportation Board and to the general public that the Board may meet in Executive Session for discussion or consultation for legal advice with legal counsel at its meeting held 9:00 a.m. on Friday, December 21, 2007, relating to any items on the agenda. Pursuant to A.R.S. 38.431.03(A), the Board may, at its discretion, recess and reconvene the Executive Session as needed, relating to any items on the agenda. Members of the Transportation Board will attend either in person or by telephone conference call.

PLEDGE

The Pledge of Allegiance to the flag led by Chairman Joe Lane.

OPENING REMARKS

Opening remarks by Chairman Joe Lane.

DISTRICT ENGINEER'S REPORT

District Engineer will provide an update on Projects/Issues of regional significance. (Greg Gentsch, Tucson District Engineer)

CALL TO AUDIENCE (Information and discussion)

An opportunity for citizens to discuss items of interest with the Board. **Please fill out a Request for Public Input** form and turn in to the Chairman or Secretary if you wish to address the Board. **Please limit your comments to three minutes, so everyone is given the chance to speak.**

CONSENT AGENDA (Action as Required)

- *ITEM 1:** Bring forward Items not to be included in the consent agenda. ("*" Indicates items recommended by ADOT staff for further discussion & possible action by the Board.)
- *ITEM 2: Director's Report**
The Director will provide an up to date report regarding current issues and events affecting ADOT. (For information and discussion only – Victor Mendez, Director.)

***ITEM 3: Legislative Report**

Staff will provide an update on State and Federal Legislative Issues.
(For information and discussion only – Kevin Biesty)

***ITEM 4: Financial Report**

Staff will provide summary reports on revenue collections for Highway User Revenues and Maricopa Transportation Excise Tax Revenues, comparing fiscal year results to last year's actuals and forecasts, and report on interest earnings, HELP Fund status, and other financial information relative to the Board and Department. (For information and discussion only – John McGee)

***ITEM 5: Financing Program**

Staff will provide an update on financing issues affecting the Board and the Department, including HURF and RARF Bonding, GAN issuances and Board Funding Obligations (For information and discussion only – John McGee)

***ITEM 6: Help Loan**

Staff will present a Resolution recommending approval of an application for Financial Assistance from, and a Loan Repayment Agreement with, Pinal County for the construction of the following project: Thornton Road Reconstruction (For discussion and possible action – John McGee)

***ITEM 7: I-10 Phoenix/Tucson Bypass Study**

(For discussion and possible action – Dale Buskirk)

***ITEM 8: Rest Areas**

(For discussion and possible action – Staff)

***ITEM 9: Contributions to State Parks and other sub accounts from the HURF**

Staff will present an analysis (For discussion and possible action - Staff)

***ITEM 10: State Transportation Board Meeting Schedule for 2009**

(For discussion and possible action – Staff)

ITEM 11: MINUTES – Approval

Study Session Minutes – October 19, 2007
Board Meeting Minutes – October 19, 2007
Study Session Minutes – November 5, 2007

**ITEM 12: 2008 Draft Board Meeting & Public Hearing Dates and Locations.
Study Sessions to be scheduled as needed.**

Month	Date	Location	Function
January	18	Casa Grande	Board Meeting
January	24-25	Nogales	Retreat
February	15	Yuma	Board Meeting
March	21	Tucson	Board Meeting & Public Hearing
April	18	MAG/Phoenix	MAG/ADOT Public Hearing & Board Meeting
May	16	Flagstaff	Board Meeting & Public Hearing
June	20	Nogales	Board Meeting
July	18	Prescott area	Board Meeting
August	15	Pinetop	Board Meeting
September	19	Grand Canyon	Board meeting
October	17	Wickenburg	Board Meeting
November	14	Phoenix	Board Meeting
December	19	Tucson	Board Meeting

PRIORITY PLANNING ADVISORY COMMITTEE (PPAC)

SUBJECT: PRIORITY PLANNING ADVISORY COMMITTEE MEETING (PPAC)

FY 2008 – 2012 Transportation Facilities Construction Program - Requested Modifications.
(For discussion and possible action)

*ITEM 13: ROUTE NO: US 95 at MP 13.3
COUNTY: Yuma
SCHEDULE: FY 2008 – New Project Request
SECTION: US 95 at Avenue "D"
TYPE OF WORK: Construct traffic signal and
intersection improvements
PROGRAM AMOUNT: New Project
PROJECT MANAGER: Richard Weeks
PROJECT: HX17201C
JPA: 05-094 with the City of Somerton
REQUESTED ACTION: Establish a new traffic signal project
in FY 2008 Highway Construction
Program. **See funding sources
below.**

FY 2008 District Minor Fund #73308	\$702,000
FY 2008 Traffic Engineering Fund #71208	\$250,000
NEW PROGRAM AMOUNT:	\$ 952,000

*ITEM 14: ROUTE NO: US 95 at MP 12.0
COUNTY: Yuma
SCHEDULE: FY 2008 – New Project Request
SECTION: Bingham Ave
TYPE OF WORK: Construct sidewalk
PROGRAM: New Project
AMOUNT:
PROJECT: Natalie Clark
MANAGER:
PROJECT: H672801C
JPA: JPA 07-073 with the City of Somerton
REQUESTED: Establish a new enhancement
ACTION: project in the FY 2008 Highway
Construction Program. **Funding
sources are listed below.**

FY 2008 Transportation Enhancement Improvement Fund #75308 \$550,000

FY 2008 Transportation Enhancement Contingency Fund #72208 \$160,000

NEW PROGRAM AMOUNT: \$ 710,000

*ITEM 15: ROUTE NO: I-10 at MP 249.3
COUNTY: Pima
SCHEDULE: FY 2008 – New Project Request
SECTION: I-10 Ina to Ruthrauff
TYPE OF WORK: Landscaping
PROGRAM AMOUNT: New Project
PROJECT MANAGER: Daniel Granillo
PROJECT: H743501C
REQUESTED: Establish a new landscaping
ACTION: project in the FY 2008 Highway
Construction Program. **Funds are
available from the FY 2008
PAG Fund.**

NEW PROGRAM AMOUNT: \$4,545,000

*ITEM 16: ROUTE NO: US 89 at MP 523.5
COUNTY: Coconino
SCHEDULE: FY 2008
SECTION: Junction 89A - North
TYPE OF WORK: Pavement preservation
PROGRAM AMOUNT: \$3,545,000
PROJECT MANAGER: Rod Collins
PROJECT: H584001C Item# 19706
REQUESTED ACTION: Increase a pavement project by \$720,000 to \$4,265,000 in the FY 2008 Highway Construction Program. **Funds are available from the FY 2008 Pavement Preservation Fund #72508.**

NEW PROGRAM AMOUNT: \$4,265,000

*ITEM 17: COUNTY: Maricopa
SCHEDULE: FY 2008
SECTION: Various Regional Freeways
TYPE OF WORK: Construction of Quiet Pavement, Phase X
PROGRAM AMOUNT: \$ 7,300,000
PROJECT MANAGER: Rod Collins
PROJECT: H708201C Item# 46708
REQUESTED ACTION: Increase the Quiet Pavement project by \$300,000 to \$7,600,000 in the FY 2008 Highway Construction Program. **Funds are available from the FY 2008 MAG Asphalt Rubber Noise Mitigation Fund #41508.**

NEW PROGRAM AMOUNT: \$7,600,000

*ITEM 18:	ROUTE NO:	SR 101L at MP 51.0	
	COUNTY:	Maricopa	
	SCHEDULE:	FY 2008	
	SECTION:	SR 202L (Red Mountain) to Baseline Road	
	TYPE OF WORK:	Construct HOV lanes	
	PROGRAM AMOUNT:	\$22,000,000	
	PROJECT MANAGER:	Ronald McCally	
	PROJECT:	H693701C Item# 40708	
	REQUESTED ACTION:	Request to delete this construction project from the FY 2008 Highway Construction Program. Funds will be tranferred to the FY 2008 RTP Cash Flow.	
	NEW PROGRAM AMOUNT:		\$0

*ITEM 19:	ROUTE NO:	SR 101L at MP 55.0	
	COUNTY:	Maricopa	
	SCHEDULE:	FY 2008	
	SECTION:	Baseline Road to SR 202L (Santan)	
	TYPE OF WORK:	Construct HOV lanes	
	PROGRAM AMOUNT:	\$35,500,000	
	PROJECT MANAGER:	Ronald McCally	
	PROJECT:	H720901C Item# 40810	
	REQUESTED ACTION:	Increase the construction project by \$17,100,000 to \$52,600,000 in the FY 2008 Highway Construction Program. Funds are available from the FY 2008 RTP Cash Flow.	
	NEW PROGRAM AMOUNT:		\$52,600,000

FY 2008-2012 Airport Development Program – Requested Modifications
(For discussion and possible action)

*ITEM 20: AIRPORT NAME: Wickenburg Municipal
 SPONSOR: Town of Wickenburg
 AIRPORT CATEGORY: Public GA
 SCHEDULE:
 PROJECT #: E8F81
 PROGRAM AMOUNT: New Project
 PROJECT MANAGER: Matthew V. Smith
 PROJECT DESCRIPTION: Install Weather Reporting Equipment
 (AWOS III)
 REQUESTED ACTION: Recommend STB approval.

FUNDING SOURCES:

FAA	\$207,224
Sponsor	\$5,453
State	\$5,454
<i>Total Program</i>	\$218,131

*ITEM 21: AIRPORT NAME: Town of Springerville Municipal
 SPONSOR: Town of Springerville
 AIRPORT CATEGORY: Public GA
 SCHEDULE: FY 2008 – 2012
 PROJECT #: E8F82
 PROGRAM AMOUNT: New Project
 PROJECT MANAGER: Matthew V. Smith
 PROJECT DESCRIPTION: Acquire snow removal equipment.
 REQUESTED ACTION: Recommend STB approval.

FUNDING SOURCES:

FAA	\$125,708
Sponsor	\$3,308
State	\$3,308
<i>Total Program</i>	\$132,324

*ITEM 22: AIRPORT NAME: Scottsdale
 SPONSOR: City of Scottsdale
 AIRPORT CATEGORY: Reliever
 SCHEDULE: FY 2008 – 2012
 PROJECT #: E8F83
 PROGRAM AMOUNT: New Project
 PROJECT MANAGER: Matthew V. Smith
 PROJECT DESCRIPTION: Construct Taxiway (Phase I), Install Apron Lighting
 REQUESTED ACTION: Recommend STB approval.

FUNDING SOURCES:

FAA	\$3,794,217
Sponsor	\$99,851
State	\$99,851
<i>Total Program</i>	\$3,993,919

*ITEM 23: AIRPORT NAME: Lake Havasu City
 SPONSOR: Lake Havasu City
 AIRPORT CATEGORY: Commercial Service
 SCHEDULE: FY 2008 – 2012
 PROJECT #: E8S88
 PROGRAM AMOUNT: New Project
 PROJECT MANAGER: Matthew V. Smith
 PROJECT DESCRIPTION: Design and Install AWOS III
 REQUESTED ACTION: Recommend STB approval.

FUNDING SOURCES:

FAA	\$0
Sponsor	\$12,500
State	\$112,500
<i>Total Program</i>	\$125,000

- ITEM 24:
- Minutes of PPAC Meeting on December 5, 2007
 - Summary of Approved Changes to the FY 2008-2012 Highway Construction Program
 - Highway Program Monitoring Report

RIGHT OF WAY RESOLUTIONS (Action as noted)

ITEM 25:	RES. NO: PROJECT: HIGHWAY: SECTION: ROUTE NO. ENG. DIST. COUNTY: RECOMMENDATION:	2007-12-A-077 010MA125H687901R EHRENBERG - PHOENIX S.R. 303L – S.R. 101L Interstate Route 10 Phoenix Maricopa Establish additional right of way as a state route for outside and median widening
ITEM 26:	RES. NO: PROJECT: HIGHWAY: SECTION: ROUTE NO. ENG. DIST. COUNTY: PARCEL: RECOMMENDATION:	2007-12-A-078 888MA000H686701R WILLIAMS-GATEWAY FREEWAY S.R. 202L – Meridian Road (S.R. 802) State Route 802 Phoenix Maricopa 07-10740 Establish Advance Acquisition for Parcel No. 07-10740
ITEM 27:	RES. NO: PROJECT: HIGHWAY: SECTION: ROUTE NO. ENG. DIST. COUNTY: RECOMMENDATION:	2007-12-A-079 S-066-A-701 / 066MO061H675201R KINGMAN - SELIGMAN Mohave Airport Drive Intersection Historic State Route 66 Kingman Mohave Establish right of way as a state route and state highway to improve operational traffic movement
ITEM 28:	RES. NO: PROJECT: HIGHWAY: SECTION: ROUTE NO. ENG. DIST. COUNTY: RECOMMENDATION:	2007-12-A-080 095MO245HX17901R PARKER – BULLHEAD CITY Clubhouse Drive Intersection State Route 95 Kingman Mohave Establish right of way as a state route to improve operational traffic movement
ITEM 29:	RES. NO: PROJECT: HIGHWAY: SECTION: ROUTE NO. ENG. DIST. COUNTY: RECOMMENDATION:	2007-12-A-081 S-366 / 089ACN000H088801R PRESCOTT – FLAGSTAFF Fort Tuthill M.S. Haul Road State Route 89A Flagstaff Coconino Disposal by Easement Extinguishment with underlying fee owner resuming usage

ITEM 30: RES. NO: 2007-12-A-082
PROJECT: S-366 / 089ACN000H555101R
HIGHWAY: PRESCOTT – FLAGSTAFF
SECTION: Fort Tuthill M.S. Haul Road
ROUTE NO. State Route 89A
ENG. DIST. Flagstaff
COUNTY: Coconino
RECOMMENDATION: Establish right of way as a state route and state highway for access and gate relocation

STATE ENGINEER’S REPORT – Sam Elters – (Information Only)

***ITEM 31:** Report on construction and projects completed in November, 2007.

CONSTRUCTION CONTRACTS (Action As Noted)

Interstate Non-Federal Aid

ITEM 32: BIDS OPENED: November 8
HIGHWAY: PHOENIX-CORDES JUNCTION HIGHWAY (I-17)
SECTION: SR 101L - Jomax Road
COUNTY: Maricopa
ROUTE NO.: I-17
PROJECT: 017-A-NFA 017 MA 213 H706102C
FUNDING: 98% State 1% City of Phoenix
1% Flood Control District Maricopa County
LOW BIDDER: Meadow Valley Contractors, Inc.
AMOUNT: \$ 67,864,266.28
STATE AMOUNT: \$ 72,600,500.00
\$ UNDER: \$ 4,736,233.72
% UNDER: 6.5%
NO. BIDDERS: 4
RECOMMENDATION: AWARD

Interstate Federal Aid (“N”) required FHWA concurrence and compliance with DBE regulations

ITEM 33: BIDS OPENED: November 30
 HIGHWAY: EHRENBURG – PHOENIX HIGHWAY (I-10)
 SECTION: Sarival Avenue to SR 101L
 COUNTY: Maricopa
 ROUTE NO.: I-10
 PROJECT: IM-010-B(201)N 010 MA 126 H709601C
 FUNDING: 92% Federal 5% State 3% City of Avondale
 LOW BIDDER: Pulice Construction Company
 AMOUNT: \$ 80,600,323.30
 STATE AMOUNT: \$ 85,111,372.00
 \$ UNDER: \$ 4,511,048.70
 % UNDER: 5.3%
 NO. BIDDERS: 4
 RECOMMENDATION:

Interstate Federal-Aid (“A” “B”) projects do not need FHWA concurrence, but must comply with DBE regulations; other projects are subject to FHWA and/or local government concurrence and compliance with DBE regulations)

ITEM 34: BIDS OPENED: November 16
 HIGHWAY: NOGALES – TUCSON HIGHWAY (I-19)
 SECTION: Junction B19 – Palo Parado
 COUNTY: Santa Cruz
 ROUTE NO.: I-19
 PROJECT: IM-019-A(131)A 019 SC 006 H480301C
 FUNDING: 94% Federal 6% State
 LOW BIDDER: Granite Construction Company
 AMOUNT: \$ 9,356,895.00
 STATE AMOUNT: \$ 9,635,882.50
 \$ UNDER: \$ 278,987.50
 % UNDER: 2.9%
 NO. BIDDERS: 4
 RECOMMENDATION:

COMMENTS:

At the bid opening, Granite Construction Company was read as the apparent low bidder with a bid of \$9,356,895.00. The second low bidder was FNF Construction, Inc. with a bid of \$9,356,971.90. Subsequent to the bid opening, FNF Construction submitted a protest claiming that Granite Construction unbalanced its bid and should not be awarded the contract but that the contract should be awarded to FNF Construction. Staff is evaluating the protest.

Non-Interstate Federal-Aid (“A” “B”) projects do not need FHWA concurrence, but must comply with DBE regulations; other projects are subject to FHWA and/or local government concurrence and compliance with DBE regulations)

*ITEM 35:	BIDS OPENED:	November 16
	HIGHWAY:	HOLBROOK BUSINESS ROUTE
	SECTION:	Buffalo Street to East Holbrook T.I.
	COUNTY:	Navajo
	ROUTE NO.:	I-40B
	PROJECT:	TEA-B40-G(200)A 040B NA 287 H730601C
	FUNDING:	94% Federal 6% State
	LOW BIDDER:	Show Low Construction, Inc.
	AMOUNT:	\$ 2,265,730.64
	STATE AMOUNT:	\$ 1,731,554.00
	\$ OVER:	\$ 534,176.64
	% OVER:	30.8%
	NO. BIDDERS:	5
	RECOMMENDATION:	AWARD
ITEM 36:	BIDS OPENED:	November 16
	HIGHWAY:	BOWIE JUNCTION-SAFFORD HIGHWAY (US 191)
	SECTION:	Ten Ranch to Owl Canyon (Segment III)
	COUNTY:	Graham
	ROUTE NO.:	US 191
	PROJECT:	STP-191-B(006)B 191 GH 094 H503705C
	FUNDING:	94% Federal 6% State
	LOW BIDDER:	Bison Contracting Co., Inc.
	AMOUNT:	\$ 9,538,732.75
	STATE AMOUNT:	\$ 10,473,741.20
	\$ UNDER:	\$ 935,008.45
	% UNDER:	8.9%
	NO. BIDDERS:	8
	RECOMMENDATION:	AWARD

*ITEM 37:	BIDS OPENED:	November 16
	HIGHWAY:	CITY OF GOODYEAR
	SECTION:	Litchfield Road Fiber Optic
	COUNTY:	Maricopa
	ROUTE NO.:	N/A
	PROJECT:	CM-GDY-0(007)A 0000 MA GDY SS50701C
	FUNDING:	55% Federal 45 % City of Goodyear
	LOW BIDDER:	C S Construction, Inc.
	AMOUNT:	\$ 749,300.00
	STATE AMOUNT:	\$ 1,222,350.00
	\$ UNDER:	\$ 473,050.00
	% UNDER:	39.7%
	NO. BIDDERS:	10
	RECOMMENDATION:	AWARD

Non-Interstate Non-Federal Aid

ITEM 38: BIDS OPENED: November 16
 HIGHWAY: RED MOUNTAIN FREEWAY (SR 202L)
 SECTION: Power Road to University Drive
 COUNTY: Maricopa
 ROUTE NO.: SR 202L
 PROJECT: RAM-202-B-514 202 MA 023 H689001C
 FUNDING: 100 % State
 LOW BIDDER: Valley Crest Landscape Development, Inc.
 AMOUNT: \$ 4,819,593.43
 STATE AMOUNT: \$ 5,329,865.00
 \$ UNDER: \$ 510,271.57
 % UNDER: 9.6%
 NO. BIDDERS: 5
 RECOMMENDATION: Allow Park West Landscape, Inc. to withdraw its bid
 without forfeiting the bid bond; award the contract to
 Valley Crest Landscape Development, Inc.

COMMENTS:

At the bid opening, Park West Landscape Inc. was read as the apparent low bidder with a bid of \$3,678,962.80 or 31.0% below the State's estimate. The second low bidder was Valley Crest Landscape Development, Inc. with a bid of \$4,819,593.43 or 9.6% below the State's estimate.

Subsequent to the bid opening, Park West requested to withdraw its bid due to a clerical error and submitted documentation supporting the request.

Staff recommends that the apparent low bidder, Park West Landscape, Inc., be allowed to withdraw its bid and that the contract be awarded to the second low bidder, Valley Crest Landscape Development, Inc. Park West is legally justified in withdrawing its bid due to a clerical error. The error stems from an estimating software spreadsheet which did not reference the correct cell for the sum of all the decomposed granite material costs to be included in the grand total of the bid. The error is of such a grave consequence that to enforce a contract would be unconscionable since the amount of the error is nearly 27% of the Park West bid. In addition, the mistake relates to a material feature of the contract, i.e., the proposed contract price. The error did not come about because of a violation of positive legal duty or from culpable negligence. Finally, the State is placed back to the status quo to the extent that the State suffers no serious prejudice except the loss of the benefit of the bargain. *See, Marana Unified School District v. Aetna Cas. and Sur.* 144 Ariz. 159, 696 P.2d 711 (App. 1985).

Therefore, staff recommends allowing Park West Landscape, Inc. to withdraw its bid without forfeiting its bid bond and recommends that the contract be awarded to Valley Crest Landscape Development, Inc.

***ITEM 39: Comments and Suggestions**

Board Members will have the opportunity to suggest items they would like to have placed on future Board Meeting Agendas.

***ITEM 40: Consent Agenda (Approval)**

Consideration of all items included in the consent agenda.

ADJOURN: